

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

TESSEMA-OSAZE: BEY, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
                          )  
v.                     )      No. 1:18-cv-03808-JPH-DLP  
                          )  
                          )  
39 INDY PARTNERS, LLC, )  
                          )  
                          )  
Defendant.            )

**ORDER DISMISSING CASE**

Plaintiff Tessema-Osze: Bey has filed with the Court an affidavit, which the Court construes as a complaint. See [dkt. 1](#). In the complaint, Plaintiff attempts to exercise “constitutional and contractual rights to discovery” in order to “come to a peaceful resolution in regards to any alleged ‘rent owed’ or ‘eviction notices.’” [Dkt. 1 at 1](#). Plaintiff appears to claim that he cannot be removed from his apartment and that he cannot be charged rent, and that attempting to do either would be an act of genocide. See [dkt. 1 at 2–3](#).

The Court does not have subject matter jurisdiction over a complaint that is wholly insubstantial. See [Steel Co. v. Citizens for a Better Env’t](#), 523 U.S. 83, 89 (1998). And “[a] frivolous federal law claim cannot successfully invoke federal jurisdiction.” [In re African-American Slave Descendants Litig.](#), 471 F.3d 754, 757 (7th Cir. 2006).

While Plaintiff does mention in passing the Constitution of the United States and [28 U.S.C. section 1332](#), the complaint does not identify a federal

cause of action. See [dkt. 1 at 2](#). Even liberally construing the complaint, this Court cannot discern within it any plausible federal claim against any defendant. See *Sanders-Bey v. United States*, Nos. 07-2204, 07-3891, 267 Fed. Appx. 464, 465 (7th Cir. Feb. 25, 2008) (dismissing for lack of jurisdiction a complaint that “appear[ed] to simply reference a panoply of random federal laws”); cf. *United States ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003) (“Rule 8(a) requires parties to make their pleadings straightforward, so that judges and adverse parties need not try to fish a gold coin from a bucket of mud.”).

The Court thus DISMISSES the complaint without prejudice for lack of subject matter jurisdiction. See *Ezike v. Nat'l R.R. Passenger Corp.*, No. 08-2139, 2009 WL 247838 at \*3 (7th Cir. Feb. 3, 2009). Judgment consistent with this order shall now issue.

**SO ORDERED.**

Date: 1/18/2019

James Patrick Hanlon

James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

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